

Case #4174 (04/22/04)

GENERAL MILLS, INC.

Yoplait Light Yogurt

Advertising Agency:

Saatchi & Saatchi

Challenger:

National Advertising Division

- Establishment claims require reliable and well controlled clinical testing on the product in question that can be readily verified to substantiate the claims.

Basis of Inquiry: NAD requested substantiation for certain nutrition and weight loss claims made by General Mills, Inc. in a broadcast commercial for its Yoplait Light Yogurt as part of its routine monitoring program. The commercial features a woman of average weight who paces back and forth while eating Yoplait Light Yogurt (in front of a window showing the passing of the seasons) looking at a yellow polka dot bikini, placed on a hanger on a wall, that she clearly wants to be able to wear come summer. The following claims formed the basis for the inquiry:

"A clinical study shows it helps you burn more fat and lose more weight than just cutting calories alone."

"Yoplait Light. Burn more fat. Lose more weight."

At the end of the commercial, the hanger is shown to be empty as the woman is seen in a convertible automobile adjusting the shoulder strap of her yellow polka bikini that she now she presumably has lost enough weight to wear.

Advertiser's Position:

In response to NAD's inquiry, the advertiser maintained that its claims are fully substantiated by competent and reliable evidence. As support, it cited to the results of a clinical study by Dr. Michael Zemel testing Yoplait Light Yogurt as part of a weight loss plan (the "Zemel study"), and to a large body of scientific evidence about dairy foods and calcium and their connection to weight management.¹

The advertiser explained that Dr. Zemel's controlled, randomized study involved 34 participants who were assigned to two reduced calorie dietary regimens for 12 weeks: a control diet consisting of a 500 calorie per day reduction and 0-1 servings of dairy products/day and 400-500 mg calcium/day) or a yogurt diet, consisting of a 500 calorie per day reduction, 3 daily 6 oz. servings of Yoplait Light Yogurt (totaling 600 mg calcium), resulting in a 1100 mg/day total calcium intake.² The advertiser noted that while all the participants lost weight and body fat due to the caloric reductions in both diets, the yogurt diet group lost significantly more weight (22%), body fat (66%) and trunk fat (81%) than the control diet group, results which are statistically significant and consistent with prior clinical trial results and other scientific evidence.³

¹ The advertiser noted that it also relied on the Zemel study in General Mills, Inc. (Total Cereal), NARB Panel # 121, *NAD Case Reports* (December 2003) ("Total Cereal case").

² The advertiser submitted the study to NAD as confidential.

³ Citing Zemel, M.B., Thompson, W., Milstead, A., Morris, K., Campbell, P., *Dietary calcium and dairy products accelerate weight and fat loss during energy restriction in obese adults*, OBESITY RES. (2004) (in press), which is the study referenced in the Total Cereal case, wherein the group consuming the reduced-calorie, high calcium dairy diet lost more weight, more fat and more trunkal fat than the reduced-calorie, low calcium diet. The advertiser also

GENERAL MILLS, INC.

Yoplait Light Yogurt

Page: 2

Decision:

In light of the obesity epidemic in the U.S., and growing obesity concerns worldwide, as well as the plethora of food advertising advancing weight loss and related claims, NAD is focusing its monitoring efforts on weight loss related advertisements to ensure that consumers receive truthful and accurate information about a product's weight loss capabilities. Cognizant of the existing and growing scientific research concerning the promising role that calcium, in supplement or dietary form, plays in improving the efficacy of various weight loss regimens, NAD evaluated the sufficiency of scientific studies to support the challenged claims.

"A clinical study shows it helps you burn more fat and lose more weight than just cutting calories alone."; "Yoplait Light. Burn more fat. Lose more weight."

It is well-settled that establishment claims are claims that promise that clinical studies have proven the "purported performance capabilities of a given product, particularly in cases involving statements that allege physical and/or mental benefits" must be supported by "reliable and well controlled clinical testing⁴ on that product that can be readily verified. Specifically, testing should be conducted on the actual product itself, with the same components and percentages of the elements that comprise the product, and the conclusions should support the claims as communicated in the advertising. The test population should also be representative of the population targeted by the advertiser's campaign, demonstrating clinically significant results."⁵

In this case, the advertiser provided a confidential report on clinical testing conducted by Dr. Michael Zemel testing the impact that its Yoplait Light Yogurt product had on weight loss when included as part of a low calorie diet. NAD examined the methodology, execution and results of the confidential Zemel study to determine whether it constituted "competent and reliable" evidence to support the challenged claims. The dietary (including calcium intake) and lifestyle regimens of the 34 obese subjects (Body Mass Index ("BMI") 30 and over) were assessed and monitored prior to and during the study to establish suitability for and compliance with the study,

referred to the citations in *Dietary calcium and dairy products accelerate weight and fat loss during energy restriction in obese adults* as well as Heaney, R.P., *Normalizing calcium intake: Projected population effects for body weight*, 133 J. NUTR. (2003), at 268S-270S; Teegarden, D., *Calcium intake and reduction in weight or fat mass*, 133 J. NUTR. (2003), at 249S-251S; Heaney, R.P., Davies, K.M., Barger-Lux, J., *Calcium and weight: clinical studies*, 21 J. AM. COLL. NUTR. (2002), at 152S-155S.

⁴ NAD noted that it uses its discretion to assess the evidentiary burden required of an advertiser on a case-by-case basis and that it tries to harmonize its decisions with those of the FTC and the courts. See *Colgate-Palmolive Company (Simply White Whitening Gel)*, Report # 4089, *NAD Case Reports* (October/November 2003) (so stating in response to a challenger's contention that NAD has historically required two studies to support a "clinically proven claim," citing court cases and NAD cases where there is no such unequivocal requirement—for e.g., *Removatron International Corporation and Frederick E. Goodman v. Federal Trade Commission*, 884 F.2d 1489 (1st Cir. 1989); *The Procter & Gamble Company (Thermacare Heat Wrap)*, Report # 4044, *NAD Case Reports* (June/July 2003); *Discuss Dental, Inc. (Zoom! Chairside Tooth Whitening System)*, Report # 4009, *NAD Case Reports* (February 2003); and *Den-Mat Corporation (Rembrandt Whitening Toothpaste)*, Report # 3075, *NAD Case Reports* (December 1993)).

⁵ *Bio-Foods, Inc. (Balance™ Nutrition Bars)*, Report # 3440, *NAD Case Reports* (February 1, 1998).

GENERAL MILLS, INC.

Yoplait Light Yogurt

Page: 3

whose guidelines followed internationally recognized dietary standards. These controls, in addition to the randomized administration of the control and yogurt diets, ensured the reliability of the statistically significant results referenced above, results which are similar to those in the Zemel study referenced in the Total Cereal case.⁶ The study's results showed that the yogurt diet group lost significantly more weight, body fat and trunk fat than the control diet group (22%, 66% and 81%, respectively). Accordingly, NAD determined that the advertiser had produced sufficiently competent and reliable evidence to substantiate its express claims ("A clinical study shows it helps you burn more fat and lose more weight than just cutting calories alone" and "Yoplait Light. Burn more fat. Lose more weight.").

Summary of Conclusions:

NAD determined that the advertiser had substantiated its express establishment and weight loss claims ("A clinical study shows it helps you burn more fat and lose more weight than just cutting calories alone" and "Yoplait Light. Burn more fat. Lose more weight.") based on the clinically significant results of the Zemel study that tested Yoplait Light Yogurt as part of a weight loss plan.

Advertiser's Statement:

General Mills is pleased with NAD's finding that the weight loss claims in our Yoplait Light yogurt advertising were fully substantiated by clinically significant test results.
(#4174 AMU, closed 04/22/04)

⁶ In that study, the dairy-rich diet of 32 subjects increased fat loss by 64% (61% in the present study) and trunk fat loss by from 19% to 66% (here, 26% to 60%).